

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL  
INDUSTRY AVERAGE WHOLESALE  
PRICE LITIGATION**

**THIS DOCUMENT RELATES TO**

*United States of America ex rel. Ven-A-Care  
of the Florida Keys, Inc. v. Actavis Mid  
Atlantic LLC, et al., Civil Action No. 08-  
10852-PBS*

**MDL NO. 1456  
Master File No. 01-12257-PBS**

**Subcategory Case No. 06-11337**

**Hon. Patti B. Saris**

**JOINT MOTION TO MODIFY  
MARCH 19, 2009 CASE MANAGEMENT ORDER**

VEN-A-CARE OF THE FLORIDA KEYS, INC. ("Plaintiff", "Relator" or "Ven-A-Care") on behalf of itself and all Defendants in this action requests that the Court modify this Court's Case Management Order dated March 19, 2009 [Document 87] to extend the time limits for discovery on the original source question up to and including September 16, 2009 and in support states as follows:

1. Paragraph 9 of the Court's Case Management Order dated March 19, 2009 [Document 87], provides that "all discovery on the original source question shall be completed by July 30, 2009, except for discovery sought by Defendants over which there is a dispute between the parties as of that date."
2. The Relator has provided the Defendants in the case with 97,625 pages of images and a privilege log regarding the original source question in compliance with the Court's Case Management Order dated March 19, 2009. During discovery thus far, the defendants have requested that the Relator produce or identify certain items. The Relator is attempting to address the Defendants' requests in a manner that will avoid the need for court intervention.
3. Pursuant to the time limits set forth in the existing Case Management Order, only three of the eight defendant groups were able to question the Relator's Federal Rule of Civil Procedure 30(b)(6) witness on July 27 and July 28, 2009. During that deposition, the Relator agreed to review its records to answer questions that were posed at the deposition. As a result, at the conclusion of the deposition on July 28, 2009, the parties agreed that they needed additional time to complete the deposition.

WHEREFORE the parties respectfully request that the Court grant this motion and enter the proposed order extending the time limits for discovery on the original source question up to and including September 16, 2009.

Dated: July 30, 2009

Respectfully submitted,

For the Relator,  
Ven-A-Care of the Florida Keys, Inc.

/s/ Alison W. Simon  
James J. Breen  
Alison W. Simon  
The Breen Law Firm  
P. O. Box 297470  
Pembroke Pines, FL 33029-7470  
Phone: 954-874-1635  
Fax: 954-874-1739

CERTIFICATE OF SERVICE

I hereby certify that I have this 30th day of July, 2009 caused an electronic copy of the above JOINT MOTION TO MODIFY MARCH 19, 2009 CASE MANAGEMENT ORDER to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Alison W. Simon  
Alison W. Simon